

**UNITED STATES DISTRICT COURT OF OHIO
SOUTHERN DISTRICT, EASTERN DIVISION**

SRINIVASA RAO GUBBALA,

Plaintiff,

v.

ABERCROMBIE & FITCH TRADING CO.,

Defendant.

Case No. 2:24-CV-00444-SDM-CMV

Judge Sarah D. Morrison

Magistrate Chelsey M. Vascura

ABERCROMBIE & FITCH TRADING CO.,
and ABERCROMBIE & FITCH CO.,

Counterclaim Plaintiffs,

v.

SRINIVASA RAO GUBBALA,

Counterclaim Defendant.

**MOTION OF ABERCROMBIE & FITCH TRADING CO. AND ABERCROMBIE &
FITCH CO. FOR SUSAN M. KAYSER TO ACT AS TRIAL ATTORNEY**

Pursuant to S.D. Ohio Civ. R. 83.4(a), Defendant Abercrombie & Fitch Trading Co. and Counterclaim Plaintiffs Abercrombie & Fitch Trading Co. and Abercrombie & Fitch Co. (“Counterclaim Plaintiffs”) respectfully request that Susan M. Kayser of the law firm K&L Gates LLP be permitted to act as Counterclaim Plaintiffs’ Trial Attorney in this matter. Under S.D. Ohio Civ. R. 83.4(a), “[a]dmission *pro hac vice* does not entitle an attorney to appear as a party’s Trial Attorney.” However, “the Court may, in its discretion and upon motion that shows good cause, permit an attorney who has been [] admitted [*pro hac vice*] to act as the Trial Attorney.” *Id.*

Here, good cause exists. Ms. Kayser represented Abercrombie & Fitch Trading Co. before the U.S. Trademark Trial and Appeal Board regarding Opposition 91255288, which is at issue in this matter. *See* ECF No. 15-2. Accordingly, because of her familiarity with the material facts in this case, Ms. Kayser is best equipped to serve as Counterclaim Plaintiffs' Trial Attorney. On April 29, 2024, the Court granted Ms. Kayser's motion for leave to appear *pro hac vice*. *See* ECF Nos. 19, 20. Although John L. Landolfi and Maxwell H. King of the law firm Vorys, Sater, Seymour and Pease LLP have appeared on behalf of Counterclaim Plaintiffs, Messrs. Landolfi and King intend to serve only as local counsel in this matter.

For these reasons, Ms. Kayser is best positioned to serve as Counterclaim Plaintiffs' Trial Attorney, and the Court should allow her to appear as such in future filings. A proposed order granting this motion is attached.

Respectfully Submitted,

/s/ Maxwell H. King

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Abercrombie & Fitch Co.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via the Court's electronic filing system on this 20th day of May 2024.

/s/ Maxwell H. King

Maxwell H. King (0101498)

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SRINIVASA RAO GUBBALA,

Counterclaim Defendant.

**[Proposed] ORDER GRANTING THE MOTION OF ABERCROMBIE & FITCH
TRADING CO. AND ABERCROMBIE & FITCH CO. FOR SUSAN
M. KAYSER TO ACT AS TRIAL ATTORNEY**

This matter is before the Court on the Motion of Defendant Abercrombie & Fitch Trading Co. and Counterclaim Plaintiffs Abercrombie & Fitch Trading Co. and Abercrombie & Fitch Co. (“Counterclaim Plaintiffs”) for Susan M. Kayser of the law firm K&L Gates LLP to act as Trial Attorney in this matter. Upon consideration of Counterclaim Plaintiffs’ Motion, and for good cause shown, Counterclaim Plaintiffs’ Motion is hereby GRANTED. Ms. Kayser shall be permitted to act as Counterclaim Plaintiffs’ Trial Attorney herein.

IT IS SO ORDERED.

or

UNITED STATES DISTRICT JUDGE

UNITED STATES MAGISTRATE JUDGE